

## National Association of the Deaf

8630 Fenton Street, Suite 820  
Silver Spring, MD 20910

[www.nad.org](http://www.nad.org)

February 19, 2007

Laird Stone  
President  
Idaho State Board of Education  
P.O. Box 83720  
Boise, ID 83720-0037

Dear Mr. Stone:

The National Association of the Deaf (NAD), established in 1880, is the nation's oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility rights of deaf and hard of hearing people in the United States of America. Advocacy, policy, and legislative issues addressed by the NAD cover a broad range of areas, including education, employment, health care, human services, rehabilitation, telecommunications, and transportation.

I write regarding recent proposals related to the possible closure of the Idaho School for the Deaf and the Blind (ISDB). The NAD objects to the closure of ISDB. Such closure would be contrary to the best interests of deaf and hard of hearing students in Idaho and be contrary to tenets of the Individuals with Disabilities Education Act (IDEA).

The key to ensuring an appropriate education for deaf and hard of hearing children is meeting their language and communication needs. This is reflected in a requirement that has been part of IDEA since 1997:

“... in the case of a child who is deaf or hard of hearing, [the Individualized Education Program (IEP) Team shall] consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode;” (20 U.S.C. § 1414 (d)(3)(B)(iv))

Further, IDEA requires that students with disabilities be placed in an appropriate educational environment based on their IEP.

The IDEA mandates that States provide a free appropriate public education (FAPE) to children with disabilities that “includes an appropriate preschool, elementary school, or secondary school education in the State involved.” (20 U.S.C. § 1401(9)(C)) To carry this out, IDEA requires

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public agencies to ensure that a “continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services,” including “instruction in regular classes, special classes, special schools, home instruction, and hospitals and institutions.” (34 C.F.R. § 300.115)

The IDEA specifically references residential placement. For example, 34 C.F.R. § 300.104 mandates: “If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.” The regulation 34 C.F.R. § 300.103, regarding FAPE methods and payments, states: “(a) Each State may use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of this part. For example, if it is necessary to place a child with a disability in a residential facility, a State could use joint agreements between the agencies involved for sharing the cost of that placement.”

In the U.S. Department of Education’s commentary on IDEA 2004 regulations, it addressed residential placement in the context of child find. The Department stated: “We believe [this section] clarifies that the State must ensure that all children with disabilities residing in the State are identified, located, and evaluated. This would include children in residential facilities.” (71 Fed. Reg. 46584, No. 156, August 14, 2006)

The NAD has seen various proposals for the Idaho State Board of Education to reconfigure services to students, such as the Idaho State Legislature Office of Performance Evaluation’s (OPE) *Idaho School for the Deaf and the Blind Evaluation Report*, and the Center for Advanced Deaf Education Studies proposal. While these proposals describe new models for service delivery, they are lacking in discussion of how deaf and hard of hearing children’s language and communication needs will be met. How will these children communicate with peers and professionals? How will opportunities for direct communication in the educational environment be provided? How will teachers in non-ISDB settings provide direct instruction to former ISDB students?

At the same time, the OPE report acknowledges that “The least restrictive environment for a hearing-impaired child who uses sign language may be a residential school, such as ISDB, because it provides an environment where everyone uses sign language so communication is less restricted than in a mainstream classroom” (OPE, Idaho State Legislature, *Idaho School for the*

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*Deaf and the Blind Evaluation Report*, October 2005, p. 8, footnote b.) The OPE report also found that parents and school districts report high satisfaction with ISDB. (*Ibid*, p. 18.)

While it is understandable that ISDB could seek out more efficient ways of serving students under IDEA, ISDB should ensure that any steps it takes comply with Federal law and meet the language and communication needs of all of Idaho's deaf and hard of hearing students. Closure of ISDB would not conform to these principles.

The NAD stands ready to offer whatever assistance it can in this matter. However, for the foregoing reasons, the NAD respectfully opposes any proposal to close ISDB.

Sincerely,



Bobbie Beth Scoggins  
President

cc: NAD Board of Directors